

### **Remarks**

No claims have been amended. No claims have been canceled. Therefore, claims 1, 2 and 4-8 are presented for examination.

Claims 1, 2 and 4-8 stand rejected under 35 U.S.C. §102(e) as being anticipated by Franco (U.S. Patent No. 6,814,530). In response, applicant submits a declaration pursuant to 37 C.F.R. § 1.131 enclosed herewith to overcome the Franco reference.

The submitted declaration illustrates that that the present application had been conceived and reduced to practice in the United States prior to April 20, 2001, the effective filing dates of Franco. Reduction to practice occurs upon proof that the inventor had prepared drawings or other descriptions of the invention that are sufficiently specific to enable a person skilled in the art to practice the invention. *Pfaff v. Wells Elec., Inc.*, 525 U.S. 55.

Therefore, applicant submits that the above rejection has been obviated since Franco has been overcome by the enclosed 37 C.F.R. §1.131 declaration.

Applicant emphasizes that submission of the enclosed declaration pursuant to 37 C.F.R. §1.131 should not be construed as an acquiescence to the any of the reasons for rejection set forth in the November 26, 2004 Office Action.

Applicant respectfully submits that the rejections have been overcome, and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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